

REMARKS/ARGUMENTS

Claims 1 – 21 remain pending in the present application, of which claims 1 and 11 have been amended. The objections and rejections set forth in the Office Action are respectfully traversed below.

Rejections Under 35 U.S.C. §102

Claims 1 - 9 and 11 - 20 were rejected under 35 U.S.C. §102 over **Ueki** (USP 6,320,893). It is submitted that the prior art does not teach or suggest all the features recited in amended independent claims 1 and 11.

First, there is a basic difference between the semiconductor device of **Ueki** and that of the present invention. The semiconductor laser recited in **Ueki** is a *surface emitting* laser in which laser light is emitted from the *upper surface* of a device, and is thus fundamentally different from the laser of the present invention in which laser light is emitted from a *facet* of the device with respect to the light emitting direction and the light confinement structure.

Second, in the semiconductor laser device shown in Fig. 9(a) of **Ueki**, the active layer 34 (a first semiconductor layer including an active layer) and the top multiplayer reflection film 38 (a second semiconductor layer) formed on the active layer 34 are both made of AlGaAs - **not a nitride** based semiconductor.

Third, the second semiconductor layer described in **Ueki** has a *post* shape (see, e.g., column 14, lines 60 to 61) not a *stripe* shape.

In contrast, in the semiconductor laser device of the present invention, the first and ~~second semiconductor layers are made of a nitride-based semiconductor, and the second~~ semiconductor layer has a stripe shape along a $\langle 1\bar{1}00 \rangle$ direction or $\langle 11\bar{2}0 \rangle$ direction.

In addition, the nitride based semiconductor constituting the first and second semiconductor layers in the semiconductor laser device of the present invention has a hexagonal crystal structure, whereas the AlGaAs constituting the active layer 34 and top multilayer reflection film 38 in the semiconductor laser device of **Ueki** has a cubic crystal structure which cannot per se form such a crystal orientation as a $\langle 1\bar{1}00 \rangle$ direction or $\langle 11\bar{2}0 \rangle$ direction.

In other words, the semiconductor laser device of the present invention is totally different from the semiconductor laser device of **Ueki** in all respects of materials, crystal orientation and shapes. For at least these reasons, the present claimed invention patentably distinguishes over the prior art.

Rejections Under 35 U.S.C. §103

Claims 10 and 21 were rejected under 35 U.S.C. §103 over **Ueki** in view of **Thornton** (USP 6,208,681). The further reference to **Thornton** does not remedy the deficiencies in the primary reference to **Ueki**. **Thornton** describes a semiconductor laser device made of GaAs and GaAlAs. Although **Thornton** describes "other III-V alloys may also be used" in column 8, line 34, it fails to recite, as with **Ueki**, a semiconductor laser device including a striped semiconductor layer made of a nitride based semiconductor and formed along a $\langle 1\bar{1}00 \rangle$ direction or $\langle 11\bar{2}0 \rangle$ direction. For at least these reasons, the present claimed invention patentably distinguishes over the prior art, either alone or in combination.

Application No.: 09/532,791

Amendment Under 37 C.F.R. §1.111 dated September 9, 2003

Reply to the Office Action of April 10, 2003

On a separate note, the previous Amendment dated January 15, 2003 contained a typographical error. At the bottom of page 5 of the remarks, **Ikeda's** cap layer 108 is comprised of GaAs and has a *smaller* (not "similar") band gap than that of active layer 104 composed of AlGaAs.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



John P. Kong
Attorney for Applicant
Reg. No. 40,054

JPK/kal
Atty. Docket No. 000350
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

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